

# Congress of the United States

Washington, DC 20515

December 20, 2002

The Honorable Theodore B. Olsen  
Solicitor General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Mr. Solicitor General:

The Supreme Court's recent decision to consider the constitutionality of race-conscious admissions in the context of the University of Michigan's undergraduate program and law school comes at a time when we as a nation are at the crossroad of continued progress in the area of civil rights. As the Congressional Black Caucus has played a critical role in the federal government's consideration of such programs, we request a meeting at the earliest possible date to discuss any position that the United States may take in the *Grutter v. Bollinger* and *Gratz v. Bollinger* litigation before the Supreme Court.

As you know, affirmative action, as embodied by the University of Michigan programs, has never been about racial preferences. Rather, affirmative action is part remedial and part progress and opportunity. We believe the notion that the compelling social need for a diverse student body should be jettisoned in the name of some distorted definition of equal protection -- in a social context where discrimination exists on many planes, where funding for public schools is disparate, where a complex interplay of social and historical conditions often perpetuate *de facto* segregation -- is a notion that is not only out of touch with Constitutional law, but 21<sup>st</sup> century social reality.

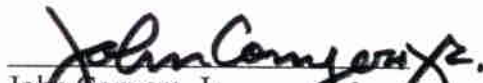
The most important social issue we face for this new century is how a highly diverse social people -- a people that will have no majority race by the middle of the century -- can coexist and prosper together. Given that primary and secondary schools are becoming increasingly segregated, it becomes more important than ever that higher education not go down the same path.

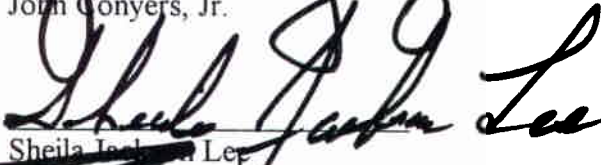
As the public reaction to the comments of Senator Trent Lott indicates, the history of race in America continues to be a sensitive, potentially divisive, issue in many communities. As this administration formulates its position in this litigation, you should be mindful of the signals sent by arguments that would undermine diversity on our college campuses. Just as the

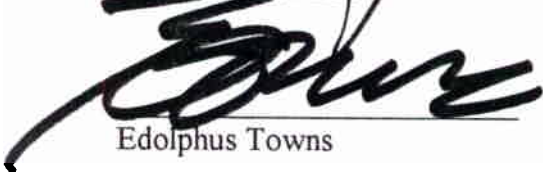
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Jim Crow laws hastened an era of state sanctioned segregation, today's assault on affirmative action could harken a period of unofficial *de facto* segregation on both public and private campuses. We look forward to a dialogue on how the actions of the United States in this litigation can continue to build the diversity envisioned by Justice Powell and Justice Marshall and truly eradicate our legacy of discrimination. Please have your staff contact Keenan Keller of the House Judiciary Committee Democratic Staff (225-6906) so that we may set up the logistics of the meeting.

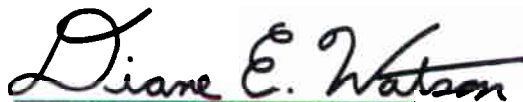
Sincerely,

  
John Conyers, Jr.

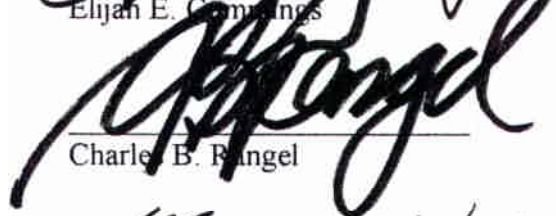
  
Sheila Jackson Lee

  
Edolphus Towns

  
Robert C. Scott

  
Diane E. Watson

  
Elijah E. Cummings

  
Charles B. Rangel

  
Maxine Waters

  
Bennie G. Thompson